

Minutes of the Maine Real Estate Commission

APRIL 15, 2004

MEMBERS PRESENT

Earl Black
David Kitchen
Jeffrey Mitchell
Winfred Stevens

STAFF PRESENT

Carol Leighton, Director
Karen L. Bivins, Deputy Director
Judy Brown, Examiner
Robert Perkins, A.A.G.
Susan Greenlaw, Secretary

MEMBERS ABSENT

Sharon Millett
Glenna Nowell

Location: Central Conference Room

Start: 9:00 a.m.

Adjourn: 12:25 p.m.

Minutes – March 18, 2004

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to approve the minutes of the March 18, 2004 meeting as written. Unanimous.

Agenda Modifications

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to add the following to the agenda. Unanimous.

Proposed Consent Agreement

A. #2004-034

Proposed Dismissals

A. #2002-001

B. #2002-033

Request for Modification – Christopher H. Longstaff

Hearings

The Chair opened the hearing in the matter of Director v. True Hall. The Director was present and represented by Assistant Attorney General Robert Perkins. Assistant Attorney General Lucinda White attended as Counsel for the Commission. Mr. Hall was not present nor represented by counsel. Public deliberations were conducted at the close of the hearing.

A motion was made by David Kitchen and seconded by Winfred Stevens to find Mr. Hall in violation of 32 M.R.S.A. §13067(1)(A). Unanimous.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to find Mr. Hall in violation of 32 M.R.S.A. §13067(1)(H) and Maine Real Estate Commission Rules Chapter 330 Section 1(B). Unanimous.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to find Mr. Hall in violation of a second count of 32 M.R.S.A. §13067(1)(A). Unanimous.

A motion was made by Jeffrey Mitchell to order Mr. Hall to immediately cease advertising property for sale for which he does not have the consent and express permission of the owner of the property and to pay a fine of \$600 within 30 days. The motion failed for lack of a second.

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to order Mr. Hall to cease immediately advertising property for sale for which he does not have the consent and express permission of the owner of the property, to include any printed or internet advertising. Unanimous.

A motion was made by David Kitchen and seconded by Winfred Stevens to order Mr. Hall to pay a fine of \$1000 for violation of 32 M.R.S.A. §13067(1)(A), \$1000 for violation of 32 M.R.S.A. §13067(1)(H) and Chapter 330 Section 1(B) of the Maine Real Estate Commission Rules, and \$2000 for violation of 32 M.R.S.A. §13067(1)(A). Black, Kitchen, and Stevens voted in the affirmative; Mitchell opposed. Motion carried.

Proposed Consent Agreements

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to accept the proposed Consent Agreement in case number 2003-141. Unanimous.

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to accept the proposed Consent Agreement in case number 2004-024. Unanimous.

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to accept the proposed Consent Agreement in case number 2004-034.

Proposed Dismissals

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to accept the proposed Dismissals in case numbers 2002-022, 2002-032, 2004-026, 2002-001, and 2002-033. Unanimous.

Request for Modification – Christopher H. Longstaff

A hearing was held on February 19, 2004 in which the Decision & Order required payment of a \$2000 fine within 30 days of receipt of the Decision. Mr. Longstaff submitted a request that all or part of the \$2000 fine be satisfied by community service work or if that is not acceptable, that he be allowed to pay the fine in installments.

A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to deny the request that community service be allowed in lieu of payment of the fine. Unanimous.

A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to modify the Decision & Order and require that Mr. Longstaff pay \$1000 on or before May 1, 2004 and \$1000 on or before June 1, 2004. Unanimous.

Director's Report

Update - L.D. 1551 "An Act To License Home Building and Improvement Contractors" – this bill was defeated in both the House and the Senate.

Policy decision regarding criminal conviction disclosure on license applications: The members reached a consensus that an application filed with inaccurate information is considered to be improperly filed and, therefore, the Commission has jurisdiction to find a violation before a license is issued.

Licensing Requirements: Members were presented with information regarding the current licensing requirements. An Educators Bulletin was recently sent to all instructors. This issue will be scheduled for further discussion at the May 20, 2004 meeting.

Next Meeting Scheduled for May 20, 2004

The meeting was adjourned at 12:25 p.m.

This report respectfully submitted,

Earl Black
Chairman

Carol J. Leighton
Director